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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,931	01/20/2006	Mattheus Jacobus Van Der Meer	NL 030914	9392

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BRIARCLIFF MANOR, NY 10510

EXAMINER

PETERSON, KENNETH E

ART UNIT	PAPER NUMBER
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3724

NOTIFICATION DATE	DELIVERY MODE
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10/13/2011

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/565,931

Applicant(s)

VAN DER MEER, MATTHEUS
JACOBUS

Examiner

Kenneth E. Peterson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1,3 and 5-10 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1,3 and 5-10 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,3,5 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Futterer et al.(3,213,536) in view of Ullmann et al.(5,701,673).

Futterer shows a razor with most of the recited limitations including;

A cutter (16),

A trimmer (15),

A drive (27),

Means for reversing (lines 4-14, column 2) the drive structure such that the trimmer is removed from the drive structure,

A unidirectional clutch (9).

Futterer's trimmer has only one position. However, these days it is ubiquitous to have the trimmer pop out from the razor such that the trimmer starts only when popped out. An example of this is Ullmann (see figures 2a,3a,4a,5a). Ullmann shows an operational member (4) with switching circuitry (45,47,48). Ullmann's trimmer only has a cutting action when popped out, by way of engaging drives 10 and 11 only when popped out. It would have been obvious to one of ordinary skill in the art to have modified Futterer by placing his trimmer on a pop-out arm such that the trimmer starts only when popped out, as taught by Ullmann and many others, in order to have a trimmer that can reach hard-to-reach places such as ears and under the chin. Since

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Ullmann teaches popping out the trimmer via actuation of the operational member electrical mode switch, the ability to pop out the trimmer on Futterer would also occur via the operational member electrical mode switch (his motor reverse switch), and thus the reversing of the motor would occur in response the popping out of the trimmer.

In regards to claim 3, Futterer has a switching circuitry (28).

In regards to claim 5, Futterer's trimmer drive "branches off" at a shaft (1, see figures 1-3).

3. Claims 1,3,5 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Futterer et al.(3,213,536) in view of Loner (3,690,000).

Futterer shows a razor with most of the recited limitations including;

A cutter (16),

A trimmer (15),

A drive (27),

Means for reversing (lines 4-14, column 2) the drive structure such that the trimmer is removed from the drive structure,

Futterer's trimmer is disengageable from the drive structure (see ring 9 is disengaged in figure 3).

A unidirectional clutch (9).

Futterer's trimmer has only one position. However, these days it is ubiquitous to have the trimmer pop out from the razor such that the trimmer starts only when popped out. An example of this is Loner (see figures 2 and 3). Loner shows an operating

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member (122, etc.) that moves the trimmer to the operating position (figure 3) and that causes the motor to connect to the shaver (lowered, figure 2) or the trimmer (raised, figure 3). Loner's trimmer only has a cutting action when raised, by way of engaging drives (143,145). It would have been obvious to one of ordinary skill in the art to have modified Futterer by raising his trimmer when actuating it, as taught by Loner and many others, in order to have a trimmer that can reach hard-to-reach places such as ears and under the chin. Since Loner teaches raising the trimmer via actuation of the drive-switching operational member, the raising of the trimmer on Futterer would also occur via the drive-switching operational member (his motor reverse switch), and thus the reversing of the motor would occur in response the raising of the trimmer.

In regards to claim 3, Futterer has a switching circuitry (28).

In regards to claim 5, Futterer's trimmer drive "branches off" at a shaft (1, see figures 1-3).

4. Claims 1,3 and 5-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Futterer et al.(3,213,536) in view of Ullmann et al.(5,701,673) or Loner (3,690,000), as set forth above, and further in view of in view of Bergsma (US 4,355,464).

In regards to at least claim 6, the modified apparatus of Futterer still does not disclose the shaver wherein the number of cycles per unit of time of the driven trimmer is higher than said number of revolutions per unit time of the at least one driven cutter. Bergsma discloses a shaving apparatus a plurality of rotary shaving elements (2, 4) and a trimmer (21). The trimmer and the plurality of rotary shaving elements are both driven

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by a motor (6) and a gear system (see figures 1 and 2) such that the frequency of the trimmer and the RPMs of the rotary cutter can be selected independently (see column 2 lines 27-32). Further, Bergsma discloses that it is preferable to have the rotary shaving element be driven at a lower number of RPMs than the frequency of the trimmer so as to reduce wear, friction, heat, and noise (see column 1 lines 24-27). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to further modify the shaver of Futterer to have the number of cycles per unit of time of the driven trimmer be higher than said number of revolutions per unit time of the at least one driven cutter in view of the teachings of Bergsma in order to reduce wear, friction, heat, and noise.

5. Applicant's arguments have been fully considered but they are not persuasive.

Applicant's arguments are directed at the features of Ullmann's switch, and include a discussion of when Ullmann's switch is on or off. However, this argument is moot, because Ullmann's switch is not employed in the rejection. When Futterer is modified by Ullmann, Futterer keeps his own switch. The only thing imported from Ullmann is the pivoting of the trimmer, and the linkage that is attached to the switch that causes the pivoting of the trimmer.

Looking At Futterer's switch, which is best described on lines 1-9 of column 4. There is a 1st position for rotating the motor a first direction, there is a second position for rotating the motor in a second, opposite direction, and there can be a third position, in between the first and second positions, for keeping the motor off.

Moving the switch from the second position to the first position causes the trimmer to pop out (as taught by Ulman and Loner) and causes the motor to rotate in the first direction which powers the trimmer (15) and depowers the shaver (16).

Moving the switch from the first position to the second position causes the trimmer to retract (as taught by Ulman and Loner) and causes the motor to rotate in the second direction which depowers the trimmer (15) and powers the shaver (16). It's a very simple modification, and no changes are made to Futterer's switch, except to add Ullmann's/Loner's mechanical linkage that causes the trimmer to pop out.

Furthermore, Examiner has added the Futterer-Loner rejection, as a different way of addressing the breadth of the claims. Additional rejections can be applied as well, if needed.

Especially since prosecution has continued for so long, Applicant should feel welcome to call the Examiner if there is any need to discuss potential claim amendments.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth E. Peterson whose telephone number is (571)272-4512. The examiner can normally be reached on Monday-Thursday, 7:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571)272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kenneth E Peterson/
Primary Examiner, Art Unit 3724